

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

TERESA L. MULLINS,	:	
Plaintiff,	:	
v.	:	Case No. 3:11-cv-407
CAROLYN W. COLVIN, Acting	:	JUDGE WALTER H. RICE
Commissioner of Social Security,	:	
Defendant.	:	

DECISION AND ENTRY SUSTAINING PLAINTIFF'S MOTION FOR
AUTHORIZATION OF ATTORNEY FEES PURSUANT TO 42 U.S.C.
§ 406(b) (DOC. #21); AWARDING \$7,558.00 IN ATTORNEY FEES

Plaintiff entered into a contingent fee agreement whereby she agreed to pay her attorney 25% of any past due Social Security benefits awarded. Plaintiff was awarded \$30,232.00 in back benefits. Pursuant to the contingent fee agreement, and 42 U.S.C. § 406(b)(1), Plaintiff requests that the Court approve an award of \$7,558.00 in attorney fees, 25% of the back benefits awarded. Doc. #21.

Defendant does not oppose Plaintiff's motion. Doc. #22.

The Court finds that the amount requested does not exceed the statutory limit set forth in 42 U.S.C. §406(a)(2)(A)(ii)(I), and that the fees requested are reasonable. *See Gisbrecht v. Barnhart*, 535 U.S. 789, 807 (2002). Moreover, this is not a situation where a reduction of fees might be warranted because of "improper conduct or ineffectiveness of counsel," or where "counsel would

otherwise enjoy a windfall because of either an inordinately large benefit award or from minimal effort expended." *Rodriguez v. Brown*, 865 F.2d 739, 746 (6th Cir. 1989). Plaintiff's counsel spent 43.25 hours on this case. Lauer Aff. ¶ 9. The fee request equates to an hourly rate of just \$174.75, which the Court finds to be reasonable.

For these reasons, the Court SUSTAINS Plaintiff's Motion for Authorization of \$7,558.00 in Attorney Fees Pursuant to 42 U.S.C. § 406(b). Doc. #21.¹

Date: February 3, 2014



WALTER H. RICE
UNITED STATES DISTRICT JUDGE

¹ Plaintiff notes that, on August 29, 2013, the Court awarded \$4,521.25 in attorney fees, and \$350.00 in costs, under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. Doc. #20. Accordingly, although she has requested approval of a total of \$7,558.00 in attorney fees, she is requesting to be paid only an additional \$3,036.75.